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TO : Commissioner of Patents
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FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP

DATE : January 22, 2008

SUBJECT : U.S. Patent Appln. Serial No. 10/748,400
for *Personal Intelligent Shipment System and Method*
Inventor: Schuessler
Our Ref.: 40129/07301

NUMBER OF PAGES INCLUDING COVER : 18

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Attorney Docket No. 40129/07301 (1403)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

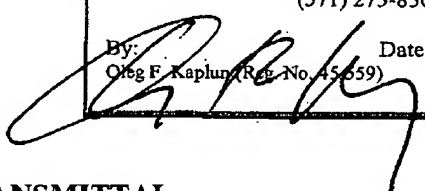
Applicant(s) : Schuessler
Serial No. : 10/748,400
Filed : December 30, 2003
For : Personal Intelligent Shipment System and Method
Group Art Unit : 3629
Confirmation No. : 7568
Examiner : Jasmine A. Pluninski

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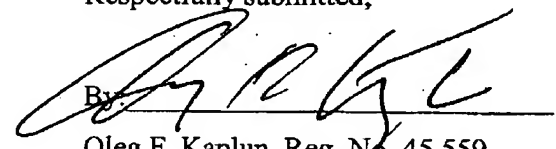
By:  Date: January 22, 2008
Oleg F. Kaplun, Reg. No. 45,559

TRANSMITTAL

Transmitted herewith please find a Reply Brief in response to the Examiner's Answer mailed on November 19, 2007 for filing in the above-identified application. No fees are believed to be required. However, the Commissioner is hereby authorized to charge any required fees to the **Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492**. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: January 22, 2008

By: 
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Attorney Docket No. 40129/07301 (1403)

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REPLY BRIEF UNDER 37 C.F.R. § 41.41

In response to the Examiner's Answer mailed on November 19, 2007 to the Appeal Brief filed August 22, 2007, and pursuant to 37 C.F.R. § 41.41, Appellant presents this reply brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1-24 in the final Office Action dated February 23, 2007 as clarified in the Advisory Action mailed September 19, 2005 and further clarified in the Examiner's Answer mailed May 10, 2007. The appealed claims are set forth in the attached Claims Appendix.

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1. Grounds of Rejection to be Reviewed on Appeal

- I. Whether claims 1 - 24 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,394,354 to Wilz, Sr. et al. ("Wilz") in view of U.S. Patent No. 7,062,474 to Reiter and in further view of U.S. Patent App. No. 2005/0197892 to Bilibin et al. ("Bilibin").

2. Argument

- I. The Rejection of Claims 1-24 Under 35 U.S.C. § 103(a) as Being Obvious Over Wilz in view of Reiter in further view of Bilibin Should Be Reversed.

In the Examiner's Answer, the Examiner further clarified the Examiner's contention that Bilibin discloses "providing the tracking data in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request," as recited in claim 1. (See Examiner's Answer, pp. 10-11). Specifically, the Examiner first stated that the password is used simply as a means for the user to access the system. The Examiner also stated that Bilibin teaches other methods of retrieving tracking data beyond entering a tracking number to retrieve the tracking data. Specifically, the Examiner further stated that Bilibin teaches using only a user account (*i.e.*, which the Examiner argues corresponds to the user identifier of claim 1) and an inbound package option (*i.e.*, which the Examiner argues corresponds to the destination data of claim 1).

Initially, the password of Bilibin may be used as a means for the user to access the system. However, it is respectfully submitted that the password is intimately tied to the user

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account and, thus, the tracking data. That is, both the user ID *and* the password are required to access the system and, therefore, the user account on the system (*i.e.*, the user account of the system is inaccessible without both of these requirements). Thus, the password of Bilibin is not merely used as a means to access the system but is also tied to how the system of Bilibin retrieves the tracking data. Accordingly, Bilibin further requires the password in order to provide the tracking data.

With respect to Bilibin requiring the tracking number to retrieve tracking data, Appellant maintains that the tracking data is only retrievable using tracking numbers. The Examiner points to another form of providing tracking data taught in Bilibin. Specifically, the Examiner references the fourth option of "Manifest and Inbound Tracking." (See Bilibin, pp. 33-34, ¶¶[0474]-[0484]). The Examiner claims that, once logged into the system (*i.e.*, allegedly satisfying the user identifier portion of claim 1), the user of the system of Bilibin may select an option of "inbound" packages to display tracking data (*i.e.*, allegedly satisfying the destination data portion of claim 1). The fourth option of retrieving tracking data of Bilibin stores all packages associated with the user account. Thus, when selecting the "inbound" packages, data is retrieved. However, an underlying principle of the fourth option is that tracking numbers are still used as the basis for retrieving the tracking data in the first place. The Examiner further stated that "once the initial tracking number is entered into the system, the tracking data is subsequently 'provided' to the user using only the user identifier and the package destination data, for inbound packages." (See Examiner's Answer, p. 11). It is respectfully submitted that the Examiner's own

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admission states that the system of Bilibin uses tracking numbers to retrieve the tracking data. That is, whether the tracking numbers are entered prior to the request or at the time of the request, the tracking numbers are, nevertheless, used in order to retrieve the tracking data. Thus, the system of Bilibin will always require the tracking number to retrieve the tracking data in the fourth option as well as the other three options.

It is noted that the above discussion is assuming that the request is the selection of the "inbounds" package option of the system of Bilibin. However, Bilibin neither discloses nor suggests that the user account is part of the selecting process for "inbounds" packages. The fourth option also assumes that the user has already logged into the system with the user ID and password to access the user account. Therefore, any subsequent use of the user account would be redundant as all data associated with the user account is accessed. For example, updated tracking data of packages may be ascertained using the respective tracking numbers so that it is readily available to be retrieved when the user selects an option. Thus, additionally, it is respectfully submitted that the request of Bilibin may include various other kinds of data of which the Appellant is unaware (as Bilibin does not disclose such a teaching), but the request of Bilibin does not include the user account (*i.e.*, user identifier of claim 1).

Thus, Appellant respectfully maintains that Bilibin neither discloses nor suggests "providing the tracking data in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request," as recited in claim 1. The Appellant also respectfully submits that Reiter also fails to cure the deficiencies of Wilz and

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Bilibin. Reiter also relies on the use of conventional tracking numbers. Specifically, Reiter describes the use of a server-assigned tracking number and corresponding shipping label. (See Reiter, col. 10, lines 40 - 51). No other methods for obtaining status information are described or suggested by Reiter.

Accordingly, it is respectfully maintained that neither Wilz, nor Reiter nor Bilibin, either alone or in combination, discloses or suggests "the tracking data including information regarding a shipping status of the item" and "providing the tracking data in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request," as recited in claim 1. Appellant respectfully requests that the Board overturn the Examiner's rejection under 35 U.S.C. 103(a) of independent claim 1 and all the claims depending directly or indirectly therefrom (claims 2 - 12).

Claim 13 recites "a second shipment processing arrangement obtaining the machine language unique label identifier and the machine language destination data from the item during the shipment, the second shipment processing arrangement recording in the database tracking data based on the association of the label identifier and the destination data, the tracking data including information regarding a shipping status of the item" and "wherein the tracking data is provided by the second computing arrangement in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request." Thus, for at least the reasons discussed above with respect to claim 1, it is respectfully submitted that claim 13 is allowable. Appellant respectfully requests that the Board overturn the Examiner's

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rejection under 35 U.S.C. § 103(a) of independent claim 13 and all the claims depending directly or indirectly therefrom (claims 14 - 24).

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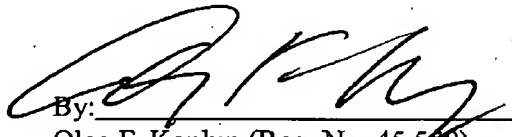
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3. Conclusions

For the reasons set forth above, Appellant respectfully requests that the Board reverse the final rejections of claims 1-24 by the Examiner under 35 U.S.C. § 103(a), and indicate that these claims are allowable.

Respectfully submitted,

Date: January 22, 2008


By: _____
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CLAIMS APPENDIX

1. (Previously presented) A method for providing a user with a personalized shipment system, comprising:

registering a user by obtaining user data;

associating the user data with a unique user identifier;

generating label data for each of a plurality of labels, each label including a unique label identifier in a machine language;

associating the label identifier with the user identifier in a computer database;

receiving an item to be shipped including one of the labels and recipient data located on the item, the recipient data including a destination data of the item;

determining whether the destination data is in a machine language;

translating, when the destination data is not in a machine language, the destination data into machine language destination data;

obtaining the unique label identifier and the machine language destination data from the item using a machine capable of reading the machine language during the shipment of the item;

recording in the computer database tracking data based on the machine language unique label identifier and the machine language data, the tracking data including information regarding a shipping status of the item; and

providing the tracking data in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request.

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2. (Previously Presented) The method according to claim 1, wherein the machine language unique label identifier and the machine language destination data are stored on the item in one of a barcode and an RFID tag.

3. (Original) The method according to claim 1, further comprising:

generating, using the label data, the plurality of labels by at least one of the user, a postal delivery service and a predetermined third party provider.

4. (Original) The method according to claim 1, wherein the tracking data includes time data and location data corresponding to the scanning.

5. (Original) The method according to claim 1, wherein the label data is stored in at least one of a barcode and an RFID tag.

6. (Original) The method according to claim 1, wherein the machine language destination data includes at least one recipient name and a recipient address code.

7. (Original) The method according to claim 6, wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code.

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8. (Original) The method according to claim 1, wherein the label data includes optional additional data generated by the user.

9. (Original) The method according to claim 1, wherein the label data, the destination data and postage data are stored on the label as a two-dimensional barcode.

10. (Original) The method according to claim 6, further comprising:

associating by the user the recipient address code with a predetermined recipient identifier.

11. (Original) The method according to claim 8, wherein the tracking data includes the optional additional data.

12. (Original) The method according to claim 1, wherein the tracking data includes an arrival date indicative of one of an actual date and an estimated date of arrival of the item at the destination.

13. (Previously presented) A system for providing a user with a personalized shipment system for shipment of an item, comprising:

a first computing arrangement generating label data for each of a plurality of labels, each label including a unique label identifier in a machine language;

a second computing arrangement including a database and storing user data in the database, the second computing arrangement associating the user data with a unique user

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identifier and associating the unique label identifier with the user identifier in the database;

a first shipment processing arrangement receiving an item to be shipped, the item including one of the labels and recipient data including destination data of the item, the first shipment processing arrangement determining whether the destination data is in a machine language and, when the destination data is not in a machine language, the first shipment processing arrangement translates the destination data into the machine language destination data and marks the item with the machine language destination data; and

a second shipment processing arrangement obtaining the machine language unique label identifier and the machine language destination data from the item during the shipment, the second shipment processing arrangement recording in the database tracking data based on the association of the label identifier and the destination data, the tracking data including information regarding a shipping status of the item,

wherein the tracking data is provided by the second computing arrangement in response to a request, wherein the tracking data is provided using only the user identifier and the destination data included in the request.

14. (Original) The system according to claim 13, wherein the machine language unique label identifier and the machine language destination data are stored on the item in one of a barcode and an RFID tag, and wherein the first shipment processing arrangement includes at least one of a barcode reader, a barcode writer, an RFID tag reader and an RFID tag writer.

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15. (Original) The system according to claim 13, further comprising:

a printing arrangement generating the plurality of labels by at least one of the user, a postal delivery service and a predetermined third party provider using the label data.

16. (Original) The system according to claim 15, wherein the printing arrangement includes at least one of a barcode writer and an RFID tag writer.

17. (Original) The system according to claim 13, wherein the tracking data includes time and location data corresponding to receipt of the item by the second shipment processing arrangement.

18. (Previously Presented) The system according to claim 13, wherein the machine language destination data includes at least one recipient name and a recipient address code.

19. (Original) The system according to claim 18, wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code.

20. (Original) The system according to claim 13, wherein the label data includes optional additional data generated by the user.

21. (Original) The system according to claim 13, wherein the label data, the machine language

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recipient data and postage data are stored on the label as a two-dimensional barcode.

22. (Original) The system according to claim 18, wherein the user associates the recipient address with a recipient identifier.

23. (Original) The system according to claim 20, wherein the machine language recipient data includes a further code indicative of each of a plurality of recipients located at the destination.

24. (Original) The system according to claim 13, wherein the tracking data includes an arrival date indicative of one of an actual date and an estimated date of arrival of the item at the destination.

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EVIDENCE APPENDIX

No evidence has been entered or relied upon in the present appeal.

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RELATED PROCEEDING APPENDIX

No decisions have been rendered regarding the present appeal or any proceedings related thereto.